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SECRETARIAT
OF
THE ODISHA LEGISLATIVE ASSEMBLY

NOTIFICATION

The 29th August, 2013.

No. 9543/L.A.,—The following Bill which has been introduced in the Odisha Legislative Assembly on the 24th August, 2013 is herewith published under Rule 68 of the Rules of Procedure and Conduct of Business in the Odisha Legislative Assembly for general information.

THE ODISHA ADVOCATES' WELFARE FUND (AMENDMENT)

BILL, 2013

A

BILL

FURTHER TO AMEND THE ODISHA ADVOCATES' WELFARE FUND
ACT, 1987.

BE it enacted by the Legislature of the State of Odisha in the Sixty-fourth
Year of the Republic of India as follows:—

Short title. 1. This Act may be called the Odisha Advocates' Welfare Fund (Amendment)
Act, 2013.

Amendment of section 3. 2. In the Odisha Advocates' Welfare Fund Act, 1987 (hereinafter referred to
as the principal Act) in section 3, in sub-section (2),—

Odisha Act
18 of 1987.

(a) in clause(a), the words and figure "under section 12" shall be omitted;

and

(b) after clause(f), the following clause shall be added, namely:—

"(g) a grant of such sum which shall not be less than one crore
rupees per annum made by the State Government to the Fund."

Amendment of
section 12.

3. In the principal Act, section 12 shall be omitted.

Amendment of
section 15.

4. In the principal Act, in section, 15,—

(a) in sub-section (3) for the words "two hundred rupees", the words "six hundred rupees" and for the words "one hundred rupees" appearing in the proviso thereto, the words "three hundred rupees" shall be substituted;

(b) in sub-section (5), for the words "fifty rupees", "one hundred rupees" and "two hundred rupees" appearing against clause (a), clause(b) and clause (c) thereof, the words "two hundred rupees", "three hundred rupees" and "six hundred rupees" shall, respectively, be substituted; and

(c) after sub-section (5), the following sub-section shall be inserted, namely:—

"(5-a) Every member at the time of enrolment shall pay three thousand rupees for life membership in addition to the application fees under sub-section (3)."

Amendment of
section 22.

5. In the principal Act, in section 22, for sub-section (1), the following sub-section shall be substituted, namely:—

"(1) The State Government shall cause to be printed and distributed the stamp of the value of fifteen rupees and its value inscribed thereon."

Amendment of
section 23.

6. In the principal Act, in section 23, in sub-section (1) for the words "five rupees" the words "fifteen rupees" shall be substituted.

Amendment
of the
Schedule.

7. In the principal Act, for the Schedule the following Schedule shall be substituted, namely:—

SCHEDULE

(See section 9 and 16)

Period of completed year of practice. (1)	Amount to be received (in rupees) (2)
30 years standing	Rs. 2,70,000/-
29 years standing	Rs. 2,61,000/-
28 years standing	Rs. 2,52,000/-
27 years standing	Rs. 2,43,000/-
26 years standing	Rs. 2,34,000/-
25 years standing	Rs. 2,25,000/-
24 years standing	Rs. 2,16,000/-
23 years standing	Rs. 2,07,000/-
22 years standing	Rs. 1,98,000/-

(1)	(2)
21 years standing	Rs.1,89,000/-
20 years standing	Rs.1,80,000/-
19 years standing	Rs. 1,71,000/-
18 years standing	Rs.1,62,000/-
17 years standing	Rs. 1,53,000/-
16 years standing	Rs.1,44,000/-
15 years standing	Rs.1,35,000/-
14 years standing	Rs.1,26,000/-
13 years standing	Rs.1,17,000/-
12 years standing	Rs.1,08,000/-
11 years standing	Rs.99,000/-
10 years standing	Rs.90,000/-
9 years standing	Rs. 81,000/-
8 years standing	Rs.72,000/-
7 years standing	Rs.63,000/-
6 years standing	Rs.54,000/-
5 years standing	Rs.45,000/-
Less than 5 years standing (only on death)	Rs. 45,000/-

STATEMENT OF OBJECTS AND REASONS

Odisha Advocates' Welfare Fund Act, 1987 has been enacted for providing financial assistance to the Advocates or to their legal representative on cessation of their practice or death, as the case may be, as a social security measure. Existing amount specified in the Schedule to the Act with regard to financial assistance are met out of the Fund constituted U/s 3 of the said Act, source of which are (a) the annual contribution equal to 20% of the enrolment fee from the State Bar Council; (b) voluntary contribution of donation made by the Bar Council of India, any Bar Association or any Advocate; (c) any sum borrowed under section 10 of the said Act; (d) any interest, dividends etc. on any investment made out of any part of the Fund; (e) all sums collected on sale of Advocates' Welfare Fund stamps under section 22 of the said Act; (f) all sum collected by way of application fee and annual subscription under section 15 of the said Act.

There is a consistent demand of the Advocates and the Odisha State Bar Council for upward revision of the amount of monetary benefit as provided in the Schedule which was last revised in the year 2001 as the financial benefit presently provided has failed to achieve the objectives of social security, by strengthening the fund with the matching grant from Government. Furthermore, the State Bar Council has also expressed its inability to provide the contribution of 20% from out of the enrolment fee as the enrolment fee collected is not sufficient to meet the expenditure of the State Bar Council. The State Bar Council, as such, has appealed for deletion of the same and suggested for enhancement of the application fee, annual subscription and a mandatory provision of life membership besides the State Government providing an annual matching grant. The State Government in principle has also approved to provide the matching grant of rupees not less than one crore in every financial year. The aforesaid necessitates amendment of relevant provisions of the Act by providing a provision of annual grant of rupees not less than one crore, increase the application fee for enrolment and annual subscription, a mandatory provision for life membership with a fee of Rs. 3000/- at the time of admission of a member to the Fund, increase the value of welfare fund stamp from rupees five to fifteen, upward revision of the quantum of financial assistance to the Advocate or his/her legal representative on cessation of practice on account of retirement or death, as the case may be, and omit the provisions with regard to the contribution from out of the enrolment fee as provided in the Act.

The Bill seeks to achieve the above objectives.

MAHESWAR MOHANTY

Member-in-Charge

A. K. SARANGI

Secretary

Odisha Legislative Assembly